

Applicant : Jonathan S. Duke-Cohan et al.  
Serial No. : 09/787,097  
Filed : March 13, 2001  
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Attorney's Docket No.: 00530-089002 / DFCI #594.02

## REMARKS

### The Invention

The invention features nucleic acids encoding attractin polypeptides and fusion proteins containing attractin polypeptides, vectors containing the nucleic acids, cells containing the vectors, and methods of making the polypeptides and the fusion proteins.

### Telephone interviews

Applicants thank the Examiner and Examiner Eyler for their courteous and helpful comments in several telephone conversations and a telephone interview with Applicants' undersigned representative on October 28, 2004.

### Status of the claims

Claims 1-3, 6, 10-14, and 20-56 are pending and claims 1-3, 6, 20-27, and 38-51 are under consideration in this application, claims 4-5, 7-19, and 28-37 having been withdrawn from consideration on the grounds that they are allegedly drawn to separate inventions. Claims 2, 3, and 38-40 were allowed in the Office Action of March 10, 2004. After entry of the amendments made herein, claims 2-3, 6, 20-27, 38-40, 46-47, 49-51, and 57-83 will be pending and under consideration in this application, claims 57-83 having been newly added and claims 1, 10-14, 28-37, 41-45, 48, and 52-56 having been cancelled without prejudice to their being presented in a separate application.

The amendments to claims 6 and 47 and new claims 65-78 are supported by the specification, e.g., the paragraph spanning pages 3 and 4. Claims 38-40 have been amended to put them in independent form and to incorporate the limitations of cancelled claim 1. The amendments to claim 49 and new claim 79 are supported by the specification, e.g., Examples 8 and 9. New claims 57-64 and 80-83 are supported by the specification, e.g., at page 5, lines 11-19. None of the amendments made herein and none of the new claims added herein add new matter.

Applicants note Examiner Eyler's assertion in the telephone interview on October 28, 2004, that claim 6 (and claims dependent on it) are not anticipated by any of the references sent

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by Examiner Haddad to Applicants' undersigned representative by facsimile on September 28, 2004. Moreover, Applicants assert that none of pending claims, including claim 47 (and claims dependent on it), are anticipated by the references referred to above.

In a telephone conversation with Applicants' undersigned representative on October 29, 2004, when Applicants' undersigned representative offered to submit an Information Disclosure Statement citing issued U.S. Patents 6,265,551 and 6,325,989, Examiner Haddad stated that it was not necessary and that he would indicate in an Office Action that he had considered the patents in the examination of the instant application.

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### CONCLUSION

Applicants maintain that the pending claims patentably define the invention. Applicants request that the Examiner permit the pending claims to pass to allowance.

If the Examiner would like to discuss any issues, Applicants' undersigned representative can be reached at the telephone number listed below.

Please apply any charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: 10/29/04



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